

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALFRED LAM, et al.,
Plaintiffs,

v.

THE CITY & COUNTY OF SAN
FRANCISCO, et al.,
Defendants.

Case No. 10-cv-4641-PJH

**ORDER DENYING MOTION FOR
RECONSIDERATION FOR LACK OF
JURISDICTION**

On April 4, 2016, plaintiffs filed a “motion for reconsideration”¹ of the court’s order granting summary judgment. See Dkt. 211. Also on April 4, 2016, plaintiffs filed a notice of appeal, and on April 5, 2016, the Ninth Circuit issued a scheduling order, setting deadlines for the filing of appellate briefs. See Dkt. 212, 213.

The Ninth Circuit has repeatedly held that, “[o]nce a notice of appeal is filed, the district court is divested of jurisdiction over the matters being appealed.” See, e.g., Natural Resources Defense Council, Inc. v. Southwest Marine Inc., 242 F.3d 1163, 1167 (9th Cir. 2001) (citing Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982); McClatchy Newspapers v. Central Valley Typographical Union No. 46, 686 F.2d 731, 734 (9th Cir. 1982)). While the district court does retain jurisdiction in certain limited

¹ While the motion is styled as a “motion for reconsideration,” the substance of the motion actually seeks relief under Federal Rules of Civil Procedure 59(b), 59(e), and 60(b). And indeed, under this district’s local rules, motions for reconsideration may be filed only “[b]efore the entry of a judgment adjudicating all of the claims and the rights and liabilities of all the parties in a case.” Civil L.R. 7-9(a). Because the court has already entered judgment in this case, it construes plaintiffs’ motion as being brought under Rules 59 and 60.

1 circumstances, such as “to act to preserve the status quo,” those circumstances do not
2 apply in this case. Thus, because plaintiffs have filed a notice of appeal, this court has
3 been divested of jurisdiction over plaintiff’s “motion for reconsideration,” and accordingly,
4 the motion is denied.

5 **IT IS SO ORDERED.**

6 Dated: April 7, 2016



PHYLLIS J. HAMILTON
United States District Judge